

IN RE: PETITION FOR ZONING VARIANCE
N/S Old Padonia Road, 255' +/-
W of the c/v of York Road
(18 Old Padonia Road)
3rd Election District
3rd Councilmanic District
18 Old Padonia Rd. Partnership
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-14-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 255.1 to permit side yard setbacks of 8 feet, for the existing garage, and from Section 238.2 for 13 feet and 19 feet, respectively, for the proposed office building, in lieu of the required 30 feet for all, and from Sections 102.2 and 238.1 for a front yard setback of 5 feet for the existing garage in lieu of the required 25 feet, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Nancy E. Paige, Esquire, attorney for Baltimore Rigging Company, Inc., Tenant, appeared and testified. Also appearing on behalf of the Petition was Joseph White, Financial Vice President of Baltimore Rigging Company, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 18 Old Padonia Road, consists of .43 acres more or less zoned M-L, and is improved with a single family dwelling and separate garage. Testimony proffered by Counsel indicated that Petitioners propose converting the existing residence to a Class "A" office building. Petitioners claim the use of the building will be as office use only for the Baltimore Rigging Company, Inc., that the construction yard will not be moved to the site. The exterior of the building will not change and there will be no additions to the existing structure. Only the first floor will be occupied

and it is not anticipated that there will be more than nine employees on the premises at any given time. Testimony indicated the proposed improvements to the site will require that the property be brought into compliance with existing setback regulations. However, since the existing residence is being converted to office use and will not involve the construction of a new office building, the existing setbacks cannot be changed. Petitioners contend that strict compliance with the zoning regulations will result in undue hardship and practical difficulty, that granting the relief requested would be consistent with the spirit and intent of the zoning regulations.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

- 2 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of August, 1989 that the Petition for Zoning Variance from Sections 255.1 to permit side yard setbacks of 8 feet for the existing garage, and from Section 238.2 for 13 feet and 19 feet, respectively, for the proposed office building, in lieu of the required 30 feet for all, and from Sections 102.2 and 238.1 for a front yard setback of 5 feet for the existing garage in lieu of the required 25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The variance granted herein is limited to Petitioners and the conversion of the existing residence on the subject property to a Class "A" office building, as set forth in Petitioner's Exhibit 1, for office use only.
- 3) There shall be no expansion of the proposed Class "A" office building. In the event the building is expanded or improved on the exterior, the property shall be brought into compliance with the zoning regulations in effect at that time.
- 4) Compliance with the Office of Planning comments dated July 25, 1989 which require a CRO plan be submitted for review and approval. Further, prior to the issuance of any permits, a landscape plan shall be submitted for review and approval by the Baltimore County Landscape Planner.

- 3 -

5) Prior to the issuance of any permits, a new site plan, landscaping plan, and actual property location survey shall be submitted to this office for inclusion in the case file.

6) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

7) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haynes
J. ROBERT HAYNES
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date 9/1/89
By J. Robert Haynes

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 255.1 to permit side yards of eight feet for the existing garage and 13 feet and 19 feet, respectively, for the proposed office building, instead of the required 30 feet (Section 238.2) and a front yard for the garage of 5 feet instead of the required 25 feet (Sections 102.2 and 238.1).

If the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

This is an existing residence located in the M-L zone. The owners wish to convert it to a Class "A" office building for use by The Baltimore Rigging Company, Inc. No site work, and no removal of existing vegetation is planned. The present residential use is non-conforming, and the existing building cannot be converted to any conforming use unless the requested variance is granted.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Tenant:
The Baltimore Rigging Co., Inc.
(Type or Print Name)
Signature *E. A. Haynes*, President
2209 Philadelphia Road
Baltimore, MD. 21237
City and State

Legal Owner(s):
18 Old Padonia Road Partnership
(Type or Print Name)
Signature *E. A. Haynes*, Partner
(Type or Print Name)
Signature
City and State

Attorney for Petitioner:
Nancy E. Paige
(Type or Print Name)
Signature *Nancy E. Paige*
233 E. Redwood Street
Baltimore, MD. 21202
City and State

Attorney's Telephone No.: 301/576-4294

ORDERED By The Zoning Commissioner of Baltimore County, this 31 day of May, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, last property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 26 day of July, 1989, at 3 o'clock P.M.

J. Robert Haynes
J. ROBERT HAYNES
Zoning Commissioner of Baltimore County

(over)

DESCRIPTION

18 OLD PADONIA ROAD
KNOWN AS LOT 14
"PLAT OF LAND ROBERT H. BUSSEY"
BALTO. CO. PLAT W.P.C. 4/155

Beginning for the same at the point formed by the intersection of the northeast side of Old Padonia Road, 30 feet wide and the division line between Lot 14 and Lot 15 as shown on the plat entitled "Plat of Land Belonging to Robert H. Bussey" and recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 4, Folio 155, said point of beginning being at a stone marked "B" and running thence binding on said division line between Lots 14 and 15, as now surveyed, North 06°- 01'- 06" East 200.00 feet to an iron pipe found; thence binding on the north outline of said Lot 14, as now surveyed, South 83°- 58'- 54" East 40.00 feet to a rebar set; thence binding on the northeast outline of said Lot 14, as now surveyed, South 18°- 36'- 06" East 220.00 feet to a rebar set and to the northeast side of said Old Padonia Road and thence binding on the northeast side of said Old Padonia Road, as now surveyed, North 83°- 58'- 54" West 131.65 feet to the place of beginning.

The hereinabove described parcel of land being known as Lot 14 as shown on the plat entitled "Plat of Land Belonging to Robert H. Bussey" and recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 4, Folio 155.

5/2/89



ALBERT W. RUBELING JR., AIA
JOHN L. DI MENNA, AIA
MITCHELL L. NELSON, AIA
DAVID P. RECCHIA, AIA
NANCY E. HENRY, AIA

ARCHITECTURE
INTERIOR DESIGN

August 31, 1989

Mr. Creston Mills
Chief Engineering Access Permits Division
Maryland Department of Transportation
State Highway Administration
707 N. Calvert Street
Baltimore, Maryland 21203-0717

RE: Baltimore Rigging Company
18 Old Padonia Road

Dear Mr. Mills:

I am in receipt of a copy of your letter dated 16 August 1989 to Mr. Robert Haynes Zoning Commissioner, Baltimore County, Maryland regarding the above mentioned project. The driveway in question is existing and there is no intention of doing any improvements within the state highway administration right-of-way on York Road, or on the county right-of-way on Old Padonia Road. It is our intent that the county would grant a variance to allow this driveway to stay as is.

Should you have any further questions or comments, please feel free to contact me at your convenience.

Regards,
RUBELING & ASSOCIATES, INC.
David Recchia
David Recchia, AIA
Associate

DR:jb

cc: Mr. Robert Haynes/Zoning Commissioner
Mr. Joe White/Balto. Rigging
File 89-079

RECEIVED
SEP 5 1989

ZONING OFFICE

401 JEFFERSON AVENUE • TOWSON, MD 21204 • 301/337-2600 • FAX 301/317-2974

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haynes
Zoning Commissioner

September 20, 1989



Dennis F. Baumgarten
County Executive

Nancy E. Paige
Attorney
Gordon, Feinblatt, Rothman, Hoffberger and Hollander
Garrett Building
233 E. Redwood Street
Baltimore, Maryland 21202

RE: 18 Old Padonia Road Partnership - Petitioner
Case #90-14-A

Dear Ms. Paige:

I am in receipt of your letter dated September 11, 1989 regarding the above captioned matter. I understand your client's position concerning my restrictions. However, because this is a redevelopment of an old property for a specific user, namely, your client, I believe that the variance should be limited to that user and, any extension of the variance to a new user should be based upon an evaluation of the impact of the new user in association with the variance.

Very truly yours,

J. Robert Haynes
J. ROBERT HAYNES
Zoning Commissioner

JRH:mmm

ORDER RECEIVED FOR FILING
Date 9/1/89
By J. Robert Haynes

ORDER RECEIVED FOR FILING
Date 9/1/89
By J. Robert Haynes

LAW OFFICES
GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER
GARRETT BUILDING
233 E. REDWOOD STREET
BALTIMORE, MD. 21202
301-576-4000
1800 E STREET, N. W. SUITE 600
WASHINGTON, D. C. 20006
301-659-0555
TELEX 908041 BAL
D. C. FAX 202-659-2799
BALTO FAX 301-576-4246
BALTO FAX 301-576-4167
DIRECT DIAL 301 576-4294

May 3, 1989

Mr. J. Robert Haines
Zoning Commissioner
Room 100
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: 18 Old Padonia Road
Side Yard Zoning Variance

Dear Commissioner Haines:

This firm represents 18 Old Padonia Road Partnership and the Baltimore Rigging Company, Inc. owner and prospective tenant, respectively, of the property of the same address. The principals of the Partnership are also principals of the Baltimore Rigging Company.

The Baltimore Rigging Company has sold its current location and must vacate the premises by July 31, 1989. It had anticipated moving into the existing building at 18 Old Padonia Road, after some interior renovations. Because the property is zoned for office use, and the structure is existing, with no site or structural changes planned, it was not anticipated that any special zoning approval or authorization would be required. However, upon applying for a permit for the proposed renovations, it was learned that the existing side yards do not meet the ML requirements. Therefore, a variance has been applied for.

GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER

Mr. J. Robert Haines
May 3, 1989
Page 2

Because of the contract deadline for vacating its current location, the Baltimore Rigging Company requests that a hearing be scheduled at the earliest possible time to permit its move to the new location by July 31, 1989. If the process is not completed by that time, the company will be homeless.

Thank you for your consideration.

Very truly yours,
Nancy E. Paige
Nancy E. Paige

tagm
haines.ltr

LAW OFFICES
GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER
GARRETT BUILDING
233 E. REDWOOD STREET
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301-659-0555
TELEX 908041 BAL
D. C. FAX 202-659-2799
BALTO FAX 301-576-4246
BALTO FAX 301-576-4167
DIRECT DIAL 301 576-4294

May 9, 1989

VIA CITY EXPRESS

John Lewis
Planning and Zoning Associate
Baltimore County Zoning Office
Room 113, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: The Baltimore Rigging Co., Inc.
Zoning Variance for 18 Old Padonia Road

Dear Mr. Lewis:

Pursuant to our recent conversation, I hereby request and authorize you to amend the variance petition respecting the referenced property to request

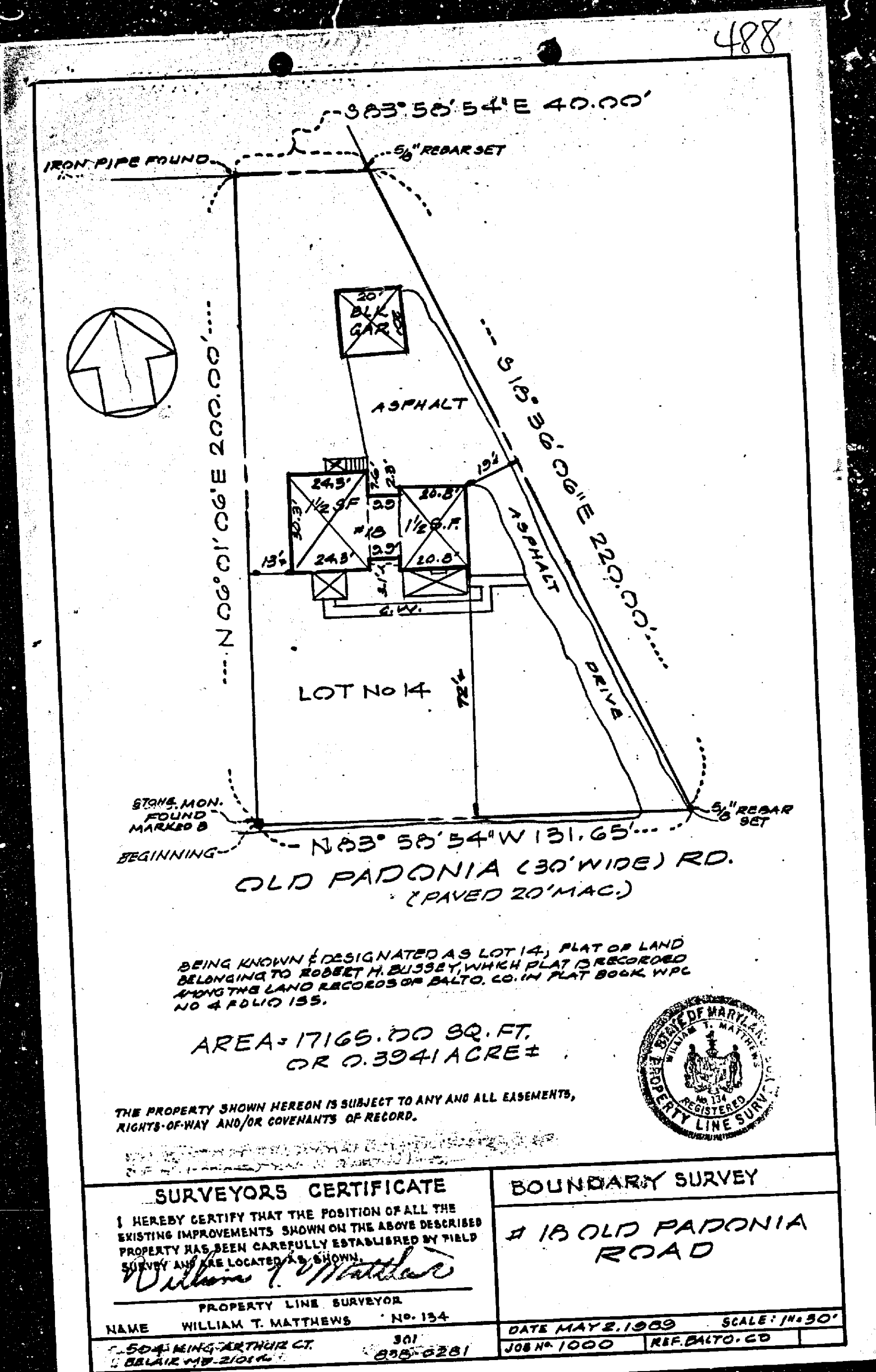
"a variance from Section 255.1 to permit side yards of eight feet for the existing garage, and, 13 feet and 19 feet, respectively, for the proposed office building, instead of the required 30 feet (see Section 238.2), and a front yard for the garage of 5 feet instead of the required 25 feet (see Sections 102.2 and 238.1)."

Thank you for your assistance.

Very truly yours,

Nancy E. Paige
Nancy E. Paige

NEP/ms



90-14-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
31st day of May, 1989.

Petitioner: *J. Robert Haines*
Petitioner's Attorney: *Nancy E. Paige, Esquire*
Received by: *James E. Oyer*
Chairman, Zoning Plans Advisory Committee

July 18, 1989

Nancy E. Paige, Esquire
233 E. Redwood Street
Baltimore, MD 21202

RE: Item No. 488, Case No. 90-14-A
Petitioner: The Baltimore Rigging
Petition for Zoning Variance

Dear Ms. Paige:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINKLERSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Oyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. E. A. Hayes
The Baltimore Rigging Co., Inc.
233 E. Redwood Street
Baltimore, MD 21202

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3354

June 6, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 487, 488, 489, 491, 492, 494, 495, 496, 497, 498, and 499.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lw

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Reincke
Chief

June 1, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: 18 Old Padonia Road Partnership
Tenant: The Baltimore Rigging Company, Inc.
Location: N side Old Padonia Road, 255' (+ or -) W of centerline of York Road

Item No.: 488-2 Zoning Agenda: May 30, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Paul H. Reincke* Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/ker

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: 18 Old Padonia Road Partnership, Item 488
Zoning Petition No. 90-14-A

The petitioner requests a variance to permit side yards of eight feet for the existing garage and 13 feet and 19 feet, respectively for the proposed office building, instead of the required 30 feet and a front yard for the garage of five feet instead of the required 25 feet. In reference to this request, staff offers the following comments:

1. A waiver from CRG meeting was granted by the Planning Board on May 18, 1989 (W-89-119). However, a CRG plan must be submitted for review and approval. The plan must be submitted for review and approval. The approved zoning plan should conform to the approved CRG plan and the final landscape plan.
2. A ten foot wide driveway is inadequate for ingress and egress for office use; a 24 foot entrance and 20 foot wide drive is required. The storage of construction equipment would be impractical unless the size of the parking area is increased. Also, no parking should be permitted in the front yard. Existing planting to the west may need to be supplemented in the event that adjacent property continues to be used for residential purposes.
3. A landscape plan must be submitted for approval prior to the issuance of any building permit.

PK/sf

18 Old Padonia Road is an existing residence in an M.L. zone, that is proposed to be converted to a Class "A" office building. There will be no additions or sitework except as required by Baltimore County.

1. Election District - 8
2. Councilmanic District -3
3. Census Tract
4. Watersheu - Gunpowder Falls
Sub Watershed - Texas/Cockeysville
5. Gross Site Area (To centerline of Old Padonia
Road) = 18762 S. or .43 acres.
6. Net site area = 1,200 S.F. or .39 acre.
7. Parking Required - Based on Gross Square Footage

Basement =	0 S.F.	: 1000 =	0 x 3.3 =	0
1st Floor =	1354 S.F.	: 1000 =	1.35 x 3.3 =	4.45
2nd Floor =	0 S.F.	: 1000 =	0 x 3.3 =	0

8. Parking Spaces Provided - 5
9. F.A.R. allowed = $2 \times 18762 \text{ S.F.} = 37,524 \text{ S.F. of adjusted gross S.F.}$
10. F.A.R. proposed - Based on adjusted gross S.F.
 $3031 \div 18762 = .16 \text{ F.A.R.}$

11. Site coverage allowed = .5 x 18762 S.F. = 9381 S.F.
12. Site coverage proposed -
- | | | |
|-------------|---|-----------|
| Office Bldg | - | 1354 S.F. |
| Garage | - | 480 S.F. |
| Total | - | 1834 S.F. |
- 1834 S.F. ÷ 18,762 S.F. = .09 or 9%
13. Well areas = none

13. Well areas - none
14. Septic areas - none
15. There shall be no removal of existing trees or vegetation.
16. There are no streams, bodies of water or springs.
17. There are no historic buildings on site.
18. Old Padonia Road has a proposed widening of 30' curb to curb with a 50 R.O.W.
19. Average daily trips = 18/1000 S.F.
$$1354 \div 1000 = 1.35 \times 18 = 24.3$$
$$Ssy = 25$$

20. Zoning variances from the following will be filled and obtained.
 - 20.1 To allow side yards of 13 and 19 feet in lieu of the required 30 feet.
 - 20.2 TO ALLOW A SIDE YARD OF 8 FT AT THE GARAGE IN LIEU OF 30'
 - 20.3 TO ALLOW A FRONT YARD OF 3 FT AT GARAGE IN LIEU OF 25'
21. Wetlands - none

21. Wetlands - none
22. Critical areas - none
23. Archeological sites - none
24. Endangered species habitat - none
25. Hazardous materials - none
26. Total Building Square Footage

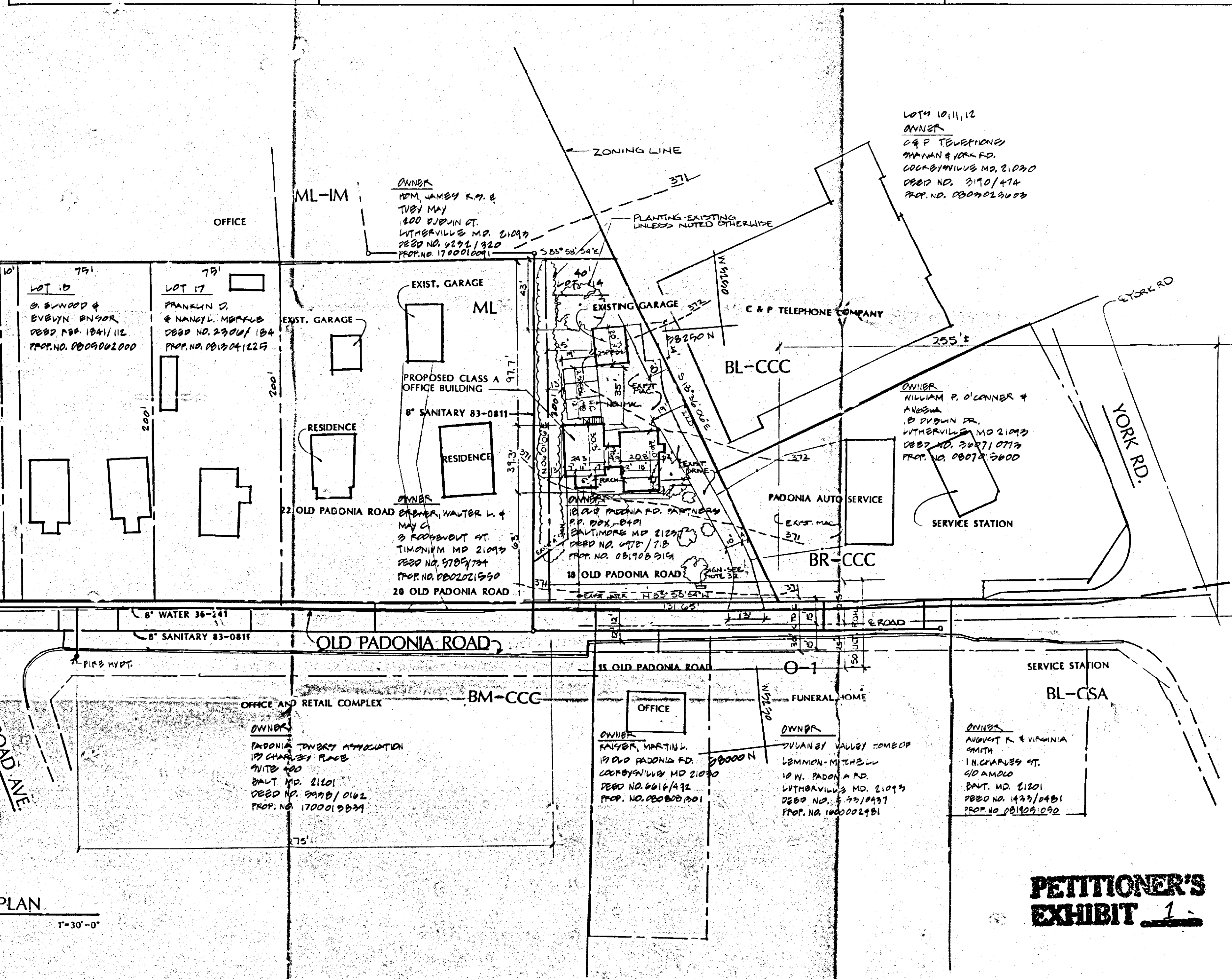
- Basement - 1000 S.F. - Storage
354 S.F. - Mechanical
1st. Floor-1354 S.F. - Office
2nd Floor - 677 S.F. - Storage
Total - 3385 S.F.
27. Square Footage per use
- Office - 1354 S.F.
Storage- 1677 S.F.
Mechanical 354 S.F.

28. Adjusted Gross Square Footage (for F.A.R.)
- | | | |
|------------------|---|---------------------------|
| Basement | - | 1000 S.F. (Storage) |
| 1st Floor | - | 1354 S.F. (Office) |
| <u>2nd Floor</u> | - | <u>677 S.F. (Storage)</u> |
| Total | - | 3031 S.F. |

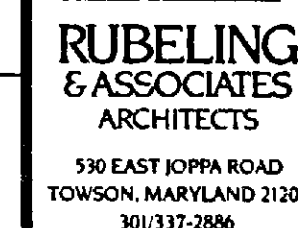
29. Gross Square Footage (For Parking)
- | | |
|--------------------|---------------|
| Basement - | 0 S.F. |
| 1st Floor - | 1354 S.F. |
| <u>2nd Floor -</u> | <u>0 S.F.</u> |
| Total | 1354 S.F. |

- 30. Soil Group - BnB
- 31. Utilities
 - 31.1 Water - Existing - Adequate
 - 31.2 Sanitary - Existing - Adequate
 - 31.3 Storm Drains - Existing Surface/Infiltration

32. Signage
 - 32.1 There will be no sign affixed to the building.
 - 32.2 There will be a freestanding sign with less than 25 S.F. per face, and will be less than 6' tall.
33. A storm water management waiver will be applied for.



PLANNING NO.



#488

ACQUITTAL

THE BALTIMORE RIGGING COMPANY
118 OLD PADONIA ROAD
COCKEYSVILLE, MARYLAND

No.	Description	Date
Revisions		
Proj. No.	89043	
Date	4-24-89	
Scale	AS NT	
Last Rev.		

Title
CRG PLAN \ PLAT
TO ACCOMPANY
PETITION FOR CRG
WAIVER CHANGE
OF OCCUPANCY,
AND ZONING
VARIANCES

Sheet

A-1